

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 7202 of 1994

Between:

The Management of Singareni Collieries Co., Ltd.,
Bellampalli, Adilabad District, rep. by its Chief General Manager,
Bellampalli Area.

..... PETITIONER

AND

- 1 The Presiding Officer, Industrial Tribunal-I
Chandra Vihar, M.J. Road, Hyderabad.
- 2 The Workmen of S.C.Co., Ltd., Bellampalli, Adilabad Dist., rep.
by its Chief-Vice President, S.C. Workers' Union (AITUC)
Bellampally, Adilabad Dist. A.P.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a writ particularly one in the nature of WRIT OF CERTIORARI after calling for the records from the 1st respondent in I.D.No.1 of 1988 and quash the Award passed therein dated 25th November, 1993.

Counsel for the Petitioner:MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: None appeared

The Court made the following :

ORDER:

This writ petition is filed challenging the Award passed by the Industrial Tribunal, Hyderabad in I.D.No.1 of 1988, dated 25-11-1993.

2. The Government of India referred the following matter for adjudication to the 1st respondent-Industrial Tribunal vide Notification dated 22/29-12-1987:

“Whether the action of the Management of Singareni Collieries Company Limited, Bellampalli in not giving employment on regular basis to Sri Chatla Narayana, Samala Ramuloo and Pittala Shankar, dependents of the employees declared unfit or who died in harness and appointing them only as Badli workmen is justified? If not, what relief the said workmen are entitled to?”

3. It is the case of the workmen that in pursuance of the provisions of National Coal Wage Agreement II and III, ('the Agreement' for short) the dependents of the deceased employees or the employees who are declared medically unfit, are entitled for alternative employment or suitable job and therefore the petitioners ought to be appointed on permanent basis and not on Badli basis and therefore they sought the reference to the effect that they are entitled to be declared as permanent coal fillers from the date of their appointment i.e., from 14th April, 1986. In support of their case, no evidence was adduced nor any documents were marked by the workmen and on behalf of the Management, one witness was examined as M.W.1 and Exs.M-1 to M-10 were marked.

4. The Industrial Tribunal on considering the material available on record, came to conclusion that the action of the Management of Singareni Collieries Company Limited was not justified in refusing to grant regular employment to the workmen referred to and consequently

passed Award directing the Management to treat the workmen as permanent coal fillers from the date of their appointment i.e., from 14-04-1986 with all benefits of a permanent employee.

5. Against the said order, the present writ petition has been filed by the Management. Even-though notice was served on the 2nd respondent, there is no representation and no counter has been filed on its behalf.

6. The learned counsel for the Management submitted that the Award of the Industrial Tribunal is wholly illegal and inasmuch as the Tribunal has not considered the matter in proper perspective, the benefit of appointment of the children of the deceased is only to ensure that the family does not suffer financially and therefore the dependents of the employees are accommodated initially and thereafter they were made permanent employees as and when permanent vacancies arise. Therefore, the Award of the Tribunal is wholly unjustified and the same is liable to be set aside.

7. Having considered the submissions made by the learned counsel for the petitioner and also basing on the material available on record, the Tribunal has held that appointing the workmen on Badli basis was unjustified and contrary to the provisions of the Agreement and accordingly passed Award directing them to treat the workmen as permanent coal fillers from the date of their appointment i.e., from 14-04-1986. But however it is to be seen that the Badli workers who put in 190/240 musters in a year are entitled for regular employment as per the Rules.

8. Under those circumstances, mulcting the Management with wages and directing them to pay, on par with the permanent coal fillers is arbitrary and the same cannot be sustained. Accordingly, the Award is modified to the extent of grant of financial benefits from the date of appointment as Badli workers till the date of computing them as regular employees. Further, the period of employment from 14-04-1986 shall be treated as continuing for the purpose of computing seniority and terminal

benefits.

9. Accordingly, the Writ Petition is disposed of. No costs.

G.BIKSHAPATHY, J

Dated: 16-09-2004.

Chvn.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

- 1 The Presiding Officer, Industrial Tribunal-I
Chandra Vihar, M.J. Road, Hyderabad.
- 2 The Chief-Vice President, Workmen of S.C.Co., Ltd., Bellampalli,
Adilabad District, S.C. Workers' Union (AITUC)
Bellampally, Adilabad Dist. A.P.
- 3 Two CCs to GP for Labour, High Court Buildings, Hyderabad (OUT).
- 4 Two CD copies